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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1895.

No. ~~802~~ 374 84.

CHARLES M. DENNISON, APPELLANT,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

FILED DECEMBER 4, 1895.

(16,097.)

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650



(16,097.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1895.

No. 807.

CHARLES M. DENNISON, APPELLANT,

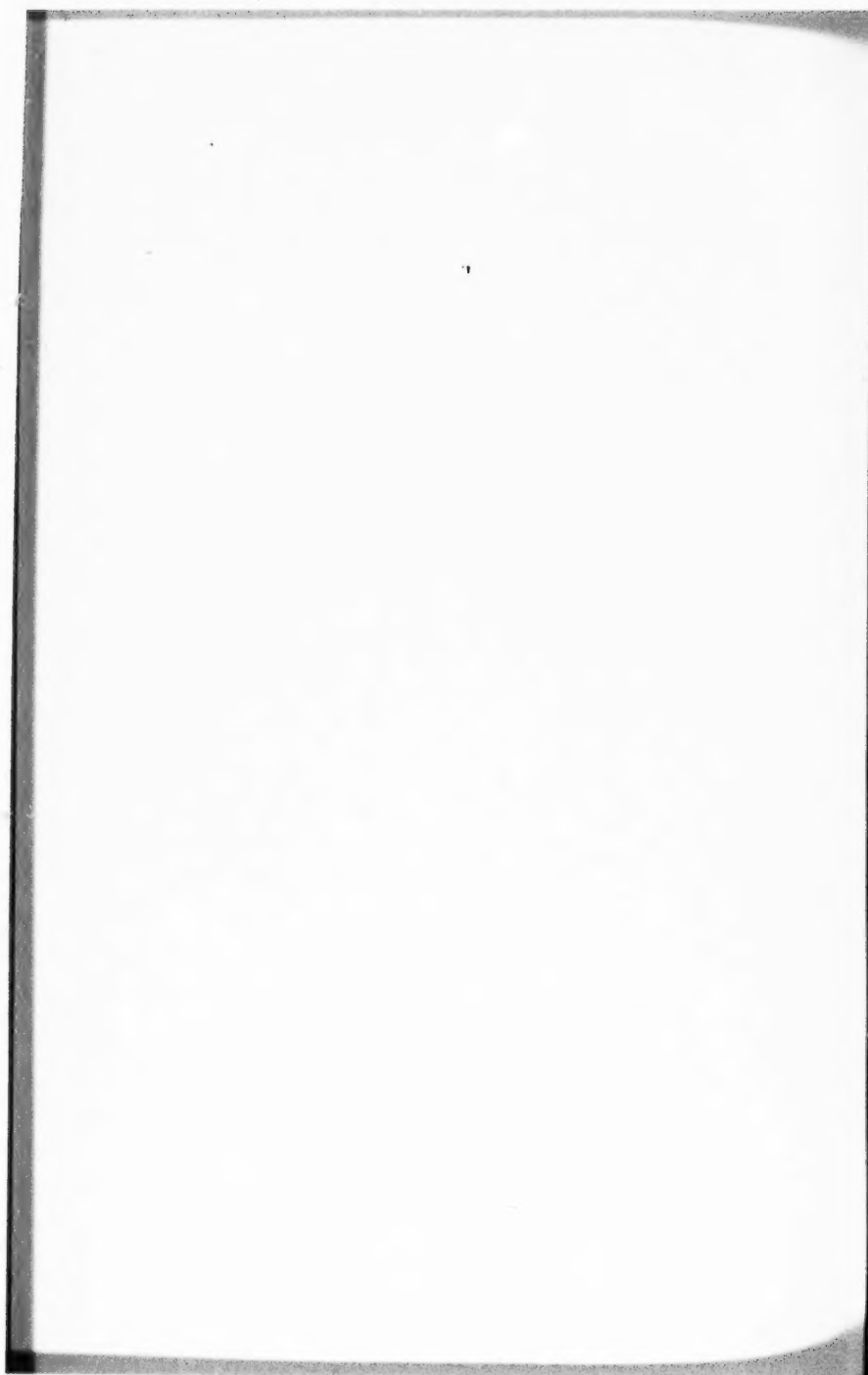
vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF CLAIMS.

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1

In the Court of Claims.

CHARLES M. DENNISON	}	No. 17936.
vs.		
THE UNITED STATES.		

I.—Petition. Filed April 11, 1893, and Amended January 23, 1895.

To the honorable the judges of the Court of Claims :

Your petitioner, Charles M. Dennison, shows that he is a citizen of the United States, residing in the city of Utica, State of New York.

That he now is, and since the 24th day of March, 1871, has been, a commissioner of the circuit court of the United States for the northern district of New York ; that he now is, and since the 22d day of April, 1871, has been, the chief supervisor of elections for the northern district of New York, and that during the whole of said time he has discharged the duties of a commissioner of the circuit court of the United States and chief supervisor of elections in and for the district aforesaid.

That your petitioner has certain claims against the United States for services performed by him as a commissioner of the circuit court of the United States and chief supervisor of elections for the district aforesaid, and not yet paid, as follows, to wit :

First. That on the 4th day of November, 1890, a general election was held in the State of New York, at which Representatives in Congress were voted for, and that a prior registration was required therefor. That under the provisions of title 26, R. S. U. S., supervisors of election were appointed for said election and said prior registration in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Syracuse, Troy, Utica, and the town of Watervliet, each of said cities and towns having a population exceeding twenty thousand inhabitants.

That your petitioner performed the duties required of him as circuit court commissioner and chief supervisor of elections for the said northern district of New York, under title 26 of the Revised Statutes of the United States, the statutes of the United States in such case made and provided.

That on the 24th day of February, 1891, your petitioner made up an account for services rendered and disbursements incurred by him, as such chief supervisor, at the election and the prior registration required therefor, aforesaid, and duly verified the same.

That each and every service in said account, as therein charged, had been therefore duly, legally, and necessarily performed by your petitioner, and that each and every disbursement, as therein charged in said account, had been therefore duly and necessarily incurred and disbursed by your petitioner.

That said account so duly verified was submitted by D. S. Alexander, U. S. attorney for the northern district of New York, at a special term of the district court of the United States, second judicial

circuit, held in and for the northern district of New York, at the city of Utica, on the 24th day of February, 1891, Judge Alfred C. Coxe presiding.

That your petitioner was called, sworn, and examined by the said U. S. attorney, in open court, and particularly interrogated as to the performance of the services and the expenditure of the disbursements as charged for in said account, and after such examination an order was duly made by said court and then and there entered in the office of the clerk of the district court of the United States for the northern district of New York, and a copy duly certified was annexed to said account, and is in the words and figures following :

"At a special term of the district court of the United States, second judicial circuit, held in and for the northern district of New York, at the city of Utica, on the 24th day of February, 1891.

"Present: The Honorable Alfred C. Coxe, judge.

"In the matter of the account of Charles M. Dennison, as chief supervisor of elections, northern district of New York, for services performed, and expenses incurred to date, at the election held on the 4th day of November, 1890, and the prior registrations had therefor, in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Syracuse, Troy, Utica, and the town of Watervliet, at which Representatives in Congress were voted for;

"An account of Charles M. Dennison, as chief supervisor of elections for the northern district of New York, for official services and disbursements incurred to date at the election held on the 4th day of November, 1890, and the prior registrations had therefor in the cities and towns enumerated in the title hereof, at which Representatives in Congress were voted for, having been submitted by D. S. Alexander, U. S. district attorney, N. D. of N. Y., to this court for approval;

"And it appearing to the satisfaction of the court by the oath of the said chief supervisor, annexed to said account, and an examination of the said chief supervisor under oath in open court that the services, as charged for in said account, have been actually and necessarily performed and the disbursements actually and necessarily incurred, as set forth in said account, a copy of which examination is attached to said account, and the charges appearing to the court to be just and according to law, and the court having asked the district attorney whether there is any question of law or fact arising on said account which requires the decision of the court, and the attorney having answered in the negative :

It is hereby ordered, that said account, amounting for fees to \$14,450.35, and the disbursements, amounting to \$2,162.44, in all \$16,612.79, be and the same is hereby approved and allowed.

"A. C. C."

That said account so adjudicated, approved, and allowed by the district court of the said northern district of New York was thereafter and on or about the 25th day of February,

1891, transmitted to the Treasury Department of the United States for allowance and payment.

That the following items of said account were improperly disallowed by the accounting officers of the said Treasury Department of the United States, and payment thereof refused, and each and every such item so disallowed and the whole thereof remains unpaid:

Items Disallowed in Account for 1890.

(See report No. 127,483.)

Item 1. To filing and caring for 1,274 special reports of supervisors of election of the proceedings of the first meeting of the board of registry, giving:

1, names of inspectors composing board of registry; 2, the manner in which the board organized; 3, total number registered on first registration day; 4, whether or not any person registered illegally; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or foreign born, and if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, at 10 cents each..... \$127 40

Item 2. To filing and caring for 2,617 preliminary and final registry books, certified as lists by the supervisors, and required by the chief supervisor, under sec. 2026, at 10 cents each, \$261.70. Of this item the comptroller allowed \$136.80, and disallowed the balance, amounting to \$124.90..... 124 90

Item 3. To drawing and signing reports required under sec. 2026, on presentation of applications for the appointment of supervisors of election, which reports furnished information to the judge in respect to the qualifications annexed, 484 folios, at 15 cents per folio..... 72 60

Item 4. To drawing general and additional instructions by chief supervisor to supervisors of election with index (only written matter counted—State and Federal statutes not counted)—106 folios, at 15 cents per folio. \$15 90

5 To filing and caring for same..... 30

To entering and indexing same, or for a copy furnished for printers' use, at 15 cents per folio 15 90

32 10

Item 5. To copies of applications described in item No. 1 of account, and annexed to reports described in item No. 9 of the account, and not included in the count of folios in said item No. 9, namely: Applications of persons from 11 cities and 1 town for appointment as supervisors of election, 1,950 folios, at 15 cents per folio 279 50

Item 6. To drawing, signing and sealing 76 special orders requiring supervisors to verify their lists under sec. 2026, 2 folios each.....	\$22 80	
Seventy-six seals, 20 cents each	15 20	
		38 00
Item 7. To entering and indexing special letters of instruction to each supervisor signed by the chief supervisor, containing: 1, notice of their appointment, naming their district, ward and city; 2, that commissions and blank oaths of office had been forwarded to — —, U. S. commissioner, upon whom they must call to take oath of office and get commission; 3, that with commission each supervisor would find blank registry books, printed copy of general instructions; 4, requiring supervisors to acknowledge receipt of commission, registry books, and instructions, 2,890 folios, at 15 cents per folio.....		433 50
Item 8. To entering and indexing special letters of instruction to supervisors signed by the chief supervisor, enclosing blank report to be made for returning proceedings at first meeting of the board of registry, with special directions as to answering interrogatories, and when to make report. Each letter charged as a folio, 1,368 folios, at 15 cents per folio.....		205 20
Item 9. To entering and indexing reports described in item No. 4—first report of supervisors—namely: "Special reports of supervisors of election of the proceedings of the first meeting of the board of registry," giving: 1, names of inspectors composing board of registry; 2, the manner in which the board was organized; 3, total number registered on first registration day; 4, whether or not any person registered illegally; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or foreign born, and if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, 3,822 folios, at 15 cents per folio....		573 30
Item 10. To entering and indexing special letters of instruction to supervisors signed by the chief supervisor enclosing two blanks, one for a return of conduct of board of registry, on completion of canvass and requiring a return of the vote cast for Representatives in Congress, the other requiring each supervisor to report the number of days served by him, 1,368 folios, at 15 cents per folio		205 20
Item 11. To entering and indexing reports made to judge and described in item No. 9, namely: Reports required under sec. 2026, on presentation of applications for the appointment of supervisors of election, which reports		

furnished informa-	to the judge in respect to the quali-	
fications of each applicant with copies of application	annexed, 2,373 folios, at 15 cents per folio.....	355 95
Item 12. To entering and indexing pay-rolls of super-	visors of election, described in item No. 11, namely: Pay-	
rolls of the supervisors of election and certifying the	same to the U. S. marshal, N. D. of N. Y., 513 folios, at	
15 cents per folio.....		76 95
Item 13. To entering and indexing special letters of in-	structions to supervisors signed by the chief supervisor	
notifying each supervisor of the number of days al-	lowed, and amount due him, and directing that he go	
before ———, U. S. commissioner, where he would	find his vouchers in triplicate, 1,368 folios, at 15 cents	
per folio.....		205 20
Item 14. To entering and indexing the orders described	in item No. 13, "special orders requiring super-	
visors to verify their lists under sec. 2026," 152	folios, at 15 cents per folio	22 80
		<hr/>
		\$2,752 60

Second. Your petitioner further shows that in the month of October, 1890, he drew 1,368 oaths of office for supervisors of election, duly appointed in the northern district of New York, to serve at the general election to be held November 4, 1890, 2 folios each: that said oaths were subscribed and sworn to by said supervisors, and are now on file in the office of your petitioner.

That on the 7th day of February, 1893, your petitioner made up an account for the services last aforesaid and duly verified the same.

That said account, so duly verified, was submitted by D. S. Alexander, U. S. attorney for the northern district of New York, at a session of the district court for said district held at Utica on the 7th day of February, 1893; present, Honorable Alfred C. Coxe, district judge. That said court found as a matter of fact that the services charged in said account had been actually and necessarily performed as stated in said account, and ordered that said account "be, and the same is hereby, approved." That said account, so approved and allowed, was thereafter, and on or about the 7th day of February, 1893, transmitted to the Treasury Department of the United States for allowance and payment, and the accounting officers allowed upon said account \$205.20, or one folio, and disallowed the balance, \$205.20, one folio, and refused payment of such disallowance. (See report No. 143,761), \$205.20.

Third. And your petitioner further shows that on the 8th day of November, 1892, a general election was held in the State of New York, at which Representatives in Congress were voted for, and that a prior registration was required therefor.

That under the provisions of title 26, R. S., U. S., supervisors of election were appointed for said election and said prior registration in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Schenectady,

Syracuse, Troy, Utica and the town of Watervliet, each of said cities and town having a population exceeding 20,000 inhabitants.

That your petitioner performed the duties required of him as circuit court commissioner and chief supervisor of election for the said northern district of New York, under title 26 of the Revised Statutes of the United States and the Statutes of the United States in such case made and provided.

That on the 29th day of December, 1892, your petitioner made up an account for services rendered and disbursements incurred by him as such chief supervisor at the said last-named election and the prior registration required therefor, and duly verified the same.

That each and every service in said account, as therein charged, had been duly, legally, and necessarily performed by your petitioner, and that each and every disbursement, as therein charged in said account, had been theretofore duly and necessarily incurred and disbursed by your petitioner.

That said account, so duly verified, was submitted by D. S. Alexander, U. S. attorney for the northern district of New York, at a special term of the circuit court of the United States, second judicial district of New York, at the city of Utica, on the 29th day of December, 1892, the Honorable Alfred C. Coxe presiding.

That your petitioner, and his chief clerk, George E. Dennison, were called, sworn, and examined, by the said U. S. attorney, in open court and particularly interrogated as to the performance of the services and the expenditure of the disbursements, as charged for in said account, and after such examination an order was duly made by said court, and then and there entered in the office of the circuit court clerk of the United States for the northern district of New York, and a copy duly certified was annexed to said account, and is in the words and figures following :

9 "At a special term of the circuit court of the United States, second judicial circuit, held in and for the northern district of New York, at the city of Utica on the 29th day of December, 1892.

 " Present, the Honorable Alfred C. Coxe, judge.

 " In the matter of the account of Charles M. Dennison, as chief supervisor of elections, northern district of New York, for services rendered and expenses incurred to date at the election held on the 8th day of November, 1892, and the prior registrations had therefor in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Schenectady, Syracuse, Troy, Utica and the towns of Watervliet, and Coeymans, in the county of Albany; Baldwin and eleven other towns in the county of Chemung; Marilla and twenty-seven other towns in the county of Erie; Oswego and two other towns in the county of Oswego; Greenbush and two other towns in the county of Rensselaer, and Whitehall in the county of Washington, at which Representatives in Congress were voted for;

 "An account of Charles M. Dennison, as chief supervisor of elections for the northern district of New York, for official services and

disbursements incurred to date at election held on the 8th day of November, 1892, and the prior registrations had therefor in the cities and towns enumerated in the title hereof, at which Representatives in Congress were voted for, having been submitted by D. S. Alexander, U. S. district attorney, N. D. of N. Y., to this court for approval;

"And it appearing to the satisfaction of the court by the oath of the said chief supervisor and George E. Dennison, chief clerk of the said chief supervisor, under oath in open court, that the services as charged for in said account have been actually and necessarily performed and the disbursements actually and necessarily incurred as set forth in said account, a copy of which examination is attached to said account, and the court having asked the U. S. attorney in open court if there were any question of law or fact arising upon said account, as to which he desired the opinion of the court, and the district attorney having replied in the negative, except as to the single matter which is referred to and set out in the said examination attached to the said account appearing to be just and according to law;

"It is ordered that said account for fees, amounting to sixteen thousand eight hundred and ninety-six and twenty-five one-hundredth- dollars (\$16,896.25), and for disbursements, amounting to two thousand one hundred and two and sixty-nine one-hundredth- dollars (\$2,102.69), in all amounting to eighteen thousand nine hundred and ninety-eight and ninety-four one-hundredth- dollars (\$18,998.94) be, and the same is hereby, approved and allowed.

"A. C. C.

"A true copy.

"Attest:

"[L. S.]

W. S. DOOLITTLE, *Clerk.*"

The said account so adjudicated, approved and allowed by the circuit court of the United States for the northern district of New York, was thereafter, and on or about the 2d day of January, 1893, transmitted to the Treasury Department of the United States for allowance and payment.

That the following items of said account were improperly disallowed by the accounting officers of the said Treasury Department and payment thereof refused, and each and every such item so disallowed, and the whole thereof, remains unpaid:

Items Disallowed in Account of 1892.

(See report No. 142,753.)

Item 1. To drawing and signing 108 reports required under sec. 2026 on presentation of applications for the appointment of supervisors of election, which reports furnished information to the judge in respect to the qualifications of each applicant, 674 folios, at 15 cents per folio..... \$100 10

Item 2. To copy of instructions to supervisors for printers' use, 500 folios, at 15 cents per folio.....	75 00
(Petition as amended. J.R.) To [auditing claims of and drawing the]* pay-rolls of the supervisors of election [for their claims]* for services and certifying the same by separate cities to A. E. Baxter, U. S. marshal, N. D. of N. Y., for payment, as per directions of the attorney general, as follows:	
Albany, 87 folios; Auburn, 30 folios; Binghamton, 47 folios; Buffalo, 164 folios; Cohoes, 24 folios; Elmira, 31 folios; Oswego, 30 folios; Schenectady, 23 folios; Rochester, 100 folios; Syracuse, 110 folios; Troy, 56 folios; Utica, 43 folios; Watervliet, 28 folios; 773 folios, at 15 cents.....	115 95
Thirteen certificates, at 15 cents each...	1 95
(Petition as amended. J.R.) [Thirteen seals, 20 cents each]*.....	[2 60]*
The comptroller allowed 242 folios and disallowed the balance. The folios disallowed amount to 531 folios, at 15 cents per folio.....	79 65
Item 4. Schedule "A," letter "b." To entering and indexing applications of persons applying to be appointed supervisors of election, by entering the date, name of each applicant, election district, ward, city, residence by street and number, and political affinity, subsequently adding the date of commission, 1,913 folios, at 15 cents per folio.....	286 95
Item 5. Schedule "A," letter "c 2." To entering and indexing oaths of supervisors of election, 2,560 folios, at 15 cents per folio, \$384.00. Of this item the comptroller allowed 1,280 folios, \$192.00, and disallowed the balance, 1,280 folios, amounting to.....	192 00
Item 6. Schedule "A," letter "d." To entering and indexing the oaths of the special deputy of the U. S. marshal, 4,264 folios, at 15 cents per folio, \$639.60. Of this item the comptroller allowed 1,066 folios, \$159.90, and disallowed the balance, 3,198 folios, amounting to.....	479 70
Item 7. Schedule "A," letter "e." To entering and indexing special letters of instruction to each supervisor, signed by the chief supervisor, requiring that the supervisor appear before — —, U. S. commissioner, and take his oath of office and get his commission, his registry books, and printed copy of general instructions, to acknowledge receipt of commission, registry books, and instructions, 1,339 folios, at 15 cents per folio.....	200 85

[* Words and figures enclosed in brackets erased in copy.]

Item 8. Schedule "A," letter "g 1." To entering and indexing special reports of supervisors of election of the proceedings of the first meeting of the board of registry, giving: 1, names of inspectors composing board of registry; 2, the manner in which the board organized; 3, total number registered on first registration day; 4, illegal registration; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or of foreign birth, and if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, 2,320 folios, at 15 cents per folio.	348 00
Item 9. Schedule "A," letter "g 1 4." To entering and indexing special reports of supervisors of election at the close of the third meeting, giving: 1, total registration for October 8, 15, and 22; 2, whether the lists contained the name or names of any person or persons whose right to vote is honestly doubted; 3, whether the supervisors of election have been obstructed in obtaining information of the right of foreign-born persons to register; 4, irregularities occurring on the part of registry officers during registration, 2,252 folios, at 15 cents per folio	337 80
Item 10. Schedule "A," letter "j." To entering and indexing special reports of supervisors by names, election districts, wards, and per diems claimed, following after audit with per diems allowed and amount certified due to each, 1,166 folios, at 15 cents per folio	174 90
Item 11. Schedule "A," letter "k." To entering and indexing reports signed by the chief supervisor required by the court under sec. 2026 on presentation of applications for the appointment of supervisors of election, which reports furnished information to the judge in respect to the qualifications of each applicant, 674 folios, at 15 cents per folio.	101 10
Item 12. Schedule "A," letter "o." To making, entering, and indexing records, such as mail-lists, containing supervisors' names and P. O. address with columns for checking matter sent out by mail, and also receiving lists with columns for checking receipt of reports, returns, lists, etc., as received from supervisors, 175 folios, at 15 cents per folio.	26 25
Item 13. Schedule "A," letter "s." To entering and indexing official special letters of instruction to supervisors signed by the chief supervisor, certifying to each supervisor the number of days allowed him, and directing him to go before —, U. S. commissioner, sign the pay-roll, and swear to the oath verifying his claim, 1,166 folios, at 15 cents per folio.	174 90

Fourth. Your petitioner further shows that in the month of October, 1892, he drew 1,339 oaths of office for supervisors of election, duly appointed in the northern district of New York, to serve at the general election to be held November 8, 1892, two folios each; that said oaths were subscribed and sworn to by said supervisors and are now on file in the office of your petitioner.

That on the 7th day of February, 1893, your petitioner made up an account for the services last aforesaid, and duly verified the same.

That said account, so duly verified, was submitted by D. S. Alexander, U. S. attorney, for the northern district of New York, at a session of the district court for said district held at Utica on the 7th day of February, 1893; present, the Honorable Alfred C. Coxe, district judge. That said court found, as a matter of fact, that the services charged in said account had been actually and necessarily performed, as stated in said account, and ordered that said account "be, and the same is hereby, approved." That said account, so approved and allowed, was thereafter, and on or about the 7th day of February, 1893, transmitted to the Treasury Department of the United States for allowance and payment, and the accounting officers of said Treasury Department allowed upon said account one folio for each oath, amounting to \$200.85, and disallowed the balance, \$200.85, one folio, and refused payment of such disallowance. (See report No. 143,763,) \$200.85.

14 Fifth. And your petitioner further shows that a general election was held throughout the State of New York on the 6th day of November, 1888, at which election Representatives in Congress were voted for; that the city of Troy, N. Y., then had a population exceeding 20,000 inhabitants, and that supervisors of election were duly appointed in and for said city for the election aforesaid and the prior registration required therefor.

That within ten days after such election the following-named persons, who had been appointed and who served as supervisors of election, in and for said city of Troy, namely: Reuben Rynders, 1st E. D., 2d ward; Bernard J. Halligan, 2d E. D., 2d ward; Albert Nash, 2d E. D., 1st ward; Albert C. Somes, 1st E. D., 7th ward, and John H. Manns, 13th ward, under the provisions of sec. 2026, R. S., U. S., made separate reports, under oath, to your petitioner, as chief supervisor of elections, setting forth that neither of them had been allowed to exercise and discharge fully and freely and without hindrance, molestation, violence, or threats thereof by divers disorderly persons all the duties, obligations and powers conferred upon such supervisors of election, and the manner and means by which they were not so allowed to fully and freely exercise their said duties and obligations.

Upon the receipt of such report, your petitioner, as required by sec. 2020, R. S., U. S., proceeded to examine into all the facts, issued subpoenas, compelled the attendance of witnesses, administered oaths and took testimony in respect to the charges aforesaid, and previous to the assembling of the Congress for which such Representatives in Congress *was* voted for in said city of Troy, your petitioner filed

with the clerk of the House of Representatives all the evidence by him taken, all the information by him taken, all information by him obtained, and reports to him made in the said charges.

That on the 13th day of June, 1889, your petitioner made up an account for fees and services rendered and disbursements incurred as such commissioner of the circuit court and chief supervisor of election under sec. 2020, R. S., U. S., as aforesaid, and duly verified the same.

That each and every service in said account, as therein charged, had been theretofore duly, legally and necessarily performed by your petitioner, and that each and every disbursement, as therein charged in said account, had been theretofore duly and necessarily incurred and disbursed by your petitioner.

That said account, so duly verified, was in due form submitted for allowance and approval at a term of the district court of the United States for the northern district of New York, at the city of Utica, on the 17th day of June, 1889, Alfred C. Coxe, district judge, presiding, and it was then and there adjudged and ordered, "that said account amounting to the sum of \$624.65 be, and the same is hereby, approved."

That afterwards, and in the month of June, aforesaid, said account, so adjudged and approved, as aforesaid, was transmitted to the Treasury Department of the United States for allowance and payment. That a portion of said account was allowed and paid.

That the following items of said account were improperly disallowed by the accounting officers of the said Treasury Department of the United States, and payment thereof refused, and each and every item so disallowed and the whole thereof remains unpaid :

Items Disallowed in Account of 1888.

Item 1. To receiving and filing report of Reuben Rynders, supervisor of election, 1st E. D., and ward, Troy.....	\$	10
Item 2. Receiving and filing report of Bernard J. Halligan, supervisor of election, 2d E. D., 2d ward, Troy.....		10
Item 3. Receiving and filing report of Albert Nash, supervisor of election, 2d E. D., 1st ward		10
Item 4. Receiving and filing report of Albert C. Somes, supervisor of election, 1st E. D., 7th ward, Troy... ..		10
Item 5. Receiving and filing report of John H. Manns, supervisor of election for the 13th ward, Troy.....		10
Item 6. November 23 and 24, December 17 and 18, 1889, and April 1, 1889, to hearing, taking and certifying the depositions and evidence of 46 witnesses herein, in all, 1,149 folios, at 20 cents per folio...	229	80
Item 7. To entering and indexing, as records of my office, the same depositions and evidence, 1,149 folios, at 15 cents per folio.....	172	35
		<hr/>
	\$402	65

Your petitioner avers, by reason of the aforesaid disallowances, he has not received from the United States the compensation to which he was then, and is now, entitled; that the several items and each and every part thereof hereinbefore set forth are justly due him, and that no part of the same has been received by him.

Your petitioner avers that no part of the account for which claims are made has been paid to him or to any one for him, nor has any part of the said claims been allowed to him as credit or set-off by any officer of the United States; that no assignment or transfer of these claims or any part thereof has been made by him, and that he is the sole and lawful owner thereof.

Wherefore your petitioner prays judgment against the United States for \$6,143.05.

CHARLES M. DENNISON.

NORTHERN DISTRICT OF NEW YORK, ss :

Charles M. Dennison, being duly sworn, deposes and says: I am the petitioner in this case. I have read the above petition, and the same is true to the best of my knowledge and belief.

C. M. DENNISON.

Subscribed and sworn to before me this 1st day of April, 1893.

[SEAL.]

W. S. DOOLITTLE,

U. S. Circuit Court Commissioner, N. D. New York.

RICH'D R. McMAHON,

Attorney for Plaintiff.

17

II.—*Traverse. Filed April 9, 1895.*

And now comes the Attorney General, on behalf of the United States, and answering the petition of the claimant herein, denies each and every allegation therein contained; and asks judgment that the petition be dismissed.

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the Attorney General, in pursuance of the statute in such case provided, denies the said allegations, and asks judgment accordingly.

J. E. DODGE,

Assistant Attorney General.

18

III.—*Findings of Fact and Conclusion of Law. Filed May 27, 1895.*

This case having been heard by the Court of Claims, the court upon the evidence finds the facts as follows:

I.

The claimant, Charles M. Dennison, has been a commissioner of the circuit court of the United States for the northern district of

New York since March 4, 1871, and was the chief supervisor of elections for the same district from April 22, 1891, to the time of bringing this action. During the whole of said time he discharged the duties of said offices and performed the services herein stated.

II.

On the 4th day of November, 1890, a general election was held in the State of New York, at which Representatives in Congress were voted for, and a prior registration was required therefor. Under the provisions of title 26, R. S. U. S., supervisors of election were appointed for said election and prior registration in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Syracuse, Troy, Utica, and the town of Watervliet, each having a population exceeding 20,000 inhabitants.

III.

The claimant made out an account for services rendered
19 and expenses incurred by him as chief supervisor of elections at the election, and the account, duly verified by his oath, was submitted by the United States attorney to the court for approval, and the following order, approving the same as being just and according to law, was entered of record :

"At a special term of the district court of the United States, second judicial circuit, held in and for the northern district of New York, at the city of Utica, on the 24th day of February, 1891.

"Present: The Honorable Alfred C. Coxe, judge.

"In the matter of the account of Charles M. Dennison, as chief supervisor of elections, northern district of New York, for services performed and expenses incurred to date at the election held on the 4th day of November, 1890, and the prior registrations had therefor in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Syracuse, Troy, Utica, and the town of Watervliet, at which Representatives in Congress were voted for.

"An account of Charles M. Dennison, as chief supervisor of elections for the northern district of New York, for official services and disbursements incurred to date at the election held on the 4th day of November, 1890, and the prior registrations had therefor in the cities and towns enumerated in the title hereof, at which Representatives in Congress were voted for, having been submitted by D. S. Alexander, U. S. district attorney, N. D. of N. Y., to this court for approval ;

"And it appearing to the satisfaction of the court, by the oath of the said chief supervisor, annexed to said account, and an examination of the said chief supervisor under oath in open court, that the services as charged for in said account have been actually and necessarily performed, and the disbursements actually and necessarily incurred, as set forth in said account, a copy of which examination is attached to said account, and the charges appearing to the court to be just and according to law, and the court having asked

the district attorney whether there is any question of law or fact arising on said account which requires the decision of the court, and the attorney having answered in the negative—

“It is hereby ordered that said account, amounting, for fees, to \$14,450.35, and the disbursements, amounting to \$2,162.44, in all \$16,612.79, be, and the same is hereby, approved and allowed.

“A. C. C.”

The account, approved by the court, was presented to the accounting officers of the Treasury for payment, and they refused payment of the following services :

1. Filing and caring for 1,274 special reports of supervisors of election of the proceedings of the first meeting of the board of registry, giving, 1, names of inspectors composing board of registry; 2, the manner in which the board organized; 3, total number registered on first registration day; 4, whether or not any person registered illegally; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or foreign born, and, if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, at 10 cents each \$127 40
2. Filing and caring for preliminary and final registry books, required by the chief supervisor, at 10 cents each..... 124 90

The charge was for filing and caring for 2,617 books, at 10 cents, \$261.70. Of this the comptroller allowed \$136.80 and disallowed \$124.90.

3. Drafting and signing reports to the judge, which reports furnished information with respect to the applications and appointments of supervisors, 484 folios, at 15 cents a folio..... 72 60

The U. S. circuit court required these reports to be in writing, signed by the chief supervisor, and filed in the clerk's office.

4. Drawing instructions to supervisors relative to their duties, 106 folios, at 15 cents each..... 15 90

It is not shown that the instructions were not printed in the form of a circular.

5. Making copies of applications from different cities for appointment as supervisors of election, to be annexed to the reports made to the judge, 1,950 folios, at 15 cents each..... 279 50
6. Drawing 76 special orders to supervisors requiring them to verify the registry lists, under sec. 2026, 152 folios, at 15 cents each..... 22 80

- 21 7. Entering and indexing special letters of instruction to each supervisor, signed by the chief supervisor, containing, 1, notice of his appointment, naming his district, ward, and city; 2, that commissions and blank oaths of office had been forwarded to —, U. S. commissioner, upon whom they must call to take oath of office and get commission; 3, that with commission each supervisor would find blank registry books, printed copy of general instructions; 4, requiring supervisors to acknowledge receipt of commission, registry books, and instructions, 2,890 folios, at 15 cents per folio. 433 50
8. Entering and indexing special letters of instruction to supervisors, signed by the chief supervisor, and enclosing blank report to be made for returning proceedings at first meeting of the board of registry, with special directions as to answering interrogatories and when to make report; each letter charged as a folio, 1,368 folios, at 15 cents each 205 20
9. Entering and indexing special reports of supervisors of election of the proceedings of the first meeting of the board of registry, giving, 1, names of inspectors composing board of registry; 2, the manner in which the board was organized; 3, total number registered on first registration day; 4, whether or not any person registered illegally; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or foreign born, and, if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, 3,822 folios, at 15 cents each 573 30
10. Entering and indexing special letters of instruction to supervisors, signed by the chief supervisor, enclosing two blanks—one for a return of conduct of board of registry on completion of canvass, and requiring
22 a return of the vote cast for Representatives in Congress, the other requiring each supervisor to report the number of days served by him, 1,368 folios, at 15 cents each 205 20
11. Entering and indexing reports on presentation of applications for the appointment of supervisors of election; which reports furnished information to the judge in respect to the qualifications of each applicant, with copies of applications annexed, 2,373 folios, at 15 cents each. 355 95
12. Entering and indexing pay-rolls of supervisors of election and certifying the same to the U. S. marshal, 513 folios, at 15 cents each. 76 95
13. Entering and indexing special letters of instruction to supervisors, notifying them of the number of days

- allowed, amount due, with directions as to the manner
of verifying their claims, 1,368 folios, at 15 cents each. 205 20
14. Entering and indexing special orders requiring super-
visors to verify their lists, 152 folios, at 15 cents each. . 22 80

IV.

In the month of October, 1890, the claimant drew 1,368 oaths of office of supervisors of election duly appointed in the northern district of New York to serve at the general election to be held November 4, 1890; two folios each. His account for the same, duly verified by his oath, was submitted to the court, examined, and approved for \$429.75. Said account so approved was presented to the accounting officers of the Treasury for payment; was allowed by the First Auditor, but the First Comptroller, by Treasury statement No. 143,761, refused payment of \$205.20 as follows:

15. Account of Charles M. Dennison, U. S. comm'r for the northern
district of New York, for fees from July 1, 1890, to June 30,
23 1891:

Amount claimed.....	\$429 75
Amount found due by Treasury statement .	224 55
Difference	<u>\$205 20</u>

One folio is sufficient for drawing supervisors' oaths
of office. The excess is disallowed..... \$205 20

Each oath contained exactly 160 words. The following is the form:

UNITED STATES OF AMERICA, }
Northern District of New York, } ss:

I, Andrew Shaw, of the city of Albany, N. Y., having been appointed one of the supervisors of election in and for the Second election district, Fifth ward of said city, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

V.

On the 5th day of November, 1892, a general election was held in the State of New York, at which Representatives in Congress were voted for, and a prior registration was required therefor.

Under the provisions of title 26, R. S. U. S., supervisors of election were appointed for said election and said prior registration in the cities of Albany, Auburn, Binghamton, Buffalo, Cohoes, Elmira, Oswego, Rochester, Schenectady, Syracuse, Troy, Utica, and the town of Watervliet, each of said cities and said town having a population exceeding 20,000 inhabitants. The claimant performed the duties required of him as circuit court commissioner and chief supervisor of elections for the said northern district of New York.

On the 29th day of December, 1892, the claimant made out an account for services rendered and disbursements incurred by him as chief supervisor at the said last-named election and the prior registration. The said account was verified by his oath that each and every service charged therein had been necessarily performed, and that each and every disbursement charged therein had been theretofore necessarily incurred and disbursed by the claimant. The account so verified was submitted by D. S. Alexander, U. S. attorney for the northern district of New York, at a special term of the U. S. circuit court, second judicial district of New York, at the city of Utica, on the 29th day of December, 1892, and after such submission and examination an order was made by the court in substance as hereinbefore stated.

The said account so approved as aforesaid was transmitted to the Treasury Department for payment, and the accounting officers disallowed and refused payment of the items set forth in the following finding:

VI.

- | | | |
|------------------|--|----------|
| 16. (Item 1.) | Drafting and signing 108 reports on presentation of applications for the appointment of supervisors of election, which reports furnished information to the judge in respect to the qualifications of each applicant, 674 folios, at 15 cents per folio..... | \$100 10 |
| 25 17. (Item 3.) | Auditing claims of and drawing the pay-rolls of the supervisors of election for their claims for services and certifying the same by separate cities to A. E. Baxter, U. S. marshal, for payment, as per directions of the attorney general as follows: Albany, 87 folios; Auburn, 30 folios; Binghamton, 47 folios; Buffalo, 164 folios; Cohoes, 24 folios; Elmira, 31 folios; Oswego, 30 folios; Schenectady, 23 folios; Rochester, 100 folios; Syracuse, 110 folios; Troy, 56 folios; Utica, 43 folios; Watervliet, 28 folios—773 folios, at 15 cents. The comptroller disallowed 531 folios, at 15 cents, and 13 certificates, at 15 cents.... | 81 60 |
| 18. (Item 4.) | Entering and indexing applications of persons applying to be appointed supervisors of election by entering the date, name of each applicant, election district, ward, city, residence by street and number, and political affinity, subsequently adding the date of commission, 1,913 folios, at 15 cents per folio..... | 286 95 |

19. (Item 5.) Entering and indexing oaths of supervisors of election, 2,560 folios, at 15 cents a folio, \$384. Of this the comptroller allowed 1,280 folios and disallowed 1,280 folios.....	192 00
20. (Item 6.) Entering and indexing oaths of special deputy marshals, 4,264 folios, at 15 cents, \$639.60. Of this the comptroller allowed 1,066 folios and disallowed 3,198 folios	479 70
21. (Item 7.) Entering and indexing special letters of instruction to supervisors, signed by the chief supervisor, requiring and directing each supervisor to appear before a U. S. commissioner, take the oath of office, and get his commission, his registry books, and printed copy of general instructions, to acknowledge receipt of commission, registry books and instructions, 1,339 folios, at 15 cents each	200 85
22. (Item 8.) Entering and indexing special reports of supervisors of election of the proceedings of the first meeting of the board of registry, giving, 1, names of inspectors composing board of registry; 2, the manner in which the board organized; 3, total number registered on first registration day; 4, illegal registrations; 5, whether any difficulty occurred in obtaining answers as to whether applicant was native or of foreign birth, and, if foreign born, when and in what court naturalized; 6, whether or not the supervisors of election were allowed to discharge their official duties without restraint or interference, 2,320 folios, at 15 cents per folio	348 00
23. (Item 9.) Entering and indexing special reports of supervisors of election at the close of the third meeting, giving, 1, total registration for October 8, 15, 22; 2, whether the lists contained the name or names of any person or persons whose right to vote is honestly doubted; 3, whether the supervisors of election have been obstructed in obtaining information of the right of foreign-born persons to register; 4, irregularities occurring on the part of registry officers during registration, 2,252 folios, at 15 cents per folio.....	337 80
24. (Item 10.) Entering and indexing special reports of supervisors by names, election districts, wards, and per diems claimed, following after audit, with per diems allowed and amount certified due to each, 1,166 folios, at 15 cents per folio.....	174 90
25. (Item 11.) Entering and indexing reports signed by the chief supervisor on presentation of applications for the appointment of supervisors of election, which reports furnished information to the judge in respect to the qualifications of each applicant, 674 folios, at 15 cents per folio.....	101 10

26. (Item 12.) Making, entering, and indexing records, such as mail lists, containing supervisors' names and P. O. address, with columns for checking matter sent out by mail, and also receiving lists, with columns for checking receipt of reports, returns, lists, etc., as received from supervisors, 175 folios, at 15 cents per folio.....	26 25
27. (Item 13.) Entering and indexing official special letters of instruction to supervisors, signed by the chief supervisor, certifying to each supervisor the number of days allowed him, and directing him to go before ———, U. S. commissioner, sign the pay-roll and take the oath verifying his claim, 1,166 folios, at 15 cents per folio.....	174 90

VII.

In the month of October, 1892, the claimant drew 1,339 oaths of office of supervisors of election duly appointed to serve at the general election to be held November 8, 1892, two folios each. Said oaths were subscribed to by said supervisors, and are now on file in the claimant's office. Claimant's accounts for said service, verified by his oath, was submitted to and approved by the U. S. district court as aforesaid. When the account was presented to the accounting officers of the Treasury for allowance and payment, they disallowed the following:

28. "For supervisors' oath of office one folio is sufficient. The excess is disallowed.".....	\$200 85
(This is the same as item 15.)	

VIII.

A general election was held throughout the State of New York on the 6th day of November, 1888, at which Representatives in Congress were voted for. The city of Troy, N. Y., then had a population exceeding 20,000 inhabitants, and supervisors of election were duly appointed in and for said city for the election aforesaid and the prior registration required therefor.

28 Within ten days after such election the following-named persons, who had been appointed and who served as supervisors of election in and for said city of Troy, namely, Reuben Rynders, 1st E. D., 2d ward; Bernard J. Halligan, 2d E. D., 2d ward; Albert Nash, 2d E. D., 1st ward; Albert C. Somes, 1st E. D., 7th ward, and John H. Manns, 13th ward, made separate reports, under oath, to the claimant, as chief supervisor of elections, setting forth that neither of them had been allowed to exercise and discharge fully and freely and without hindrance, molestation, violence, or threats thereof by divers disorderly persons all the duties, obligations, and powers conferred upon such supervisors of election and the manner and means by which they were not so allowed to fully and freely exercise their said duties and obligations.

Upon the receipt of such report the claimant proceeded to examine into all the facts, issued subpoenas, compelled the attendance of witnesses, administered oaths, and took testimony in respect to the charges aforesaid, and previous to the assembling of the Congress for which such Representatives in Congress were voted for in said city of Troy the claimant filed with the clerk of the House of Representatives all the evidence taken by him, all information obtained by him, and reports made to him in the said charges.

The claimant made up an account for fees and services rendered and disbursements incurred by him as such commissioner of the circuit court and chief supervisor of elections under sec. 2020, R. S. U. S., as aforesaid, and made oath that each and every service charged in said account had been theretofore duly, legally, and necessarily performed, and that each and every disbursement, as therein charged, had been theretofore duly and necessarily incurred and disbursed by him.

29 Said account so verified was submitted for approval at a term of the district court of the United States for the northern district of New York, at the city of Utica, on the 17th day of June, 1889, Alfred C. Coxe, district judge, presiding, and it was then and there adjudged and ordered "that said account, amounting to the sum of \$624.65, be, and the same is hereby, approved," the approval being in substance as hereinbefore stated.

The account so approved was transmitted to the Treasury Department for allowance and payment. A portion of said account was allowed and paid. The following items were disallowed by the accounting officers and payment therefor refused:

Items Disallowed in Account of 1888.

29. Receiving and filing reports of Supervisors Rynders, Halligan, Nash, Somes, and Manns, 10 cents each.....	\$ 50
30. November 23 and 24, December 17 and 18, 1888, and April 1, 1889, to hearing, taking, and certifying the depositions and evidence of 46 witnesses herein, in all 1,149 folios, at 20 cents per folio.....	229 80
31. Entering and indexing said depositions and evidence as records of chief supervisor's office, 1,149 folios, at 15 cents each.....	172 35

Conclusion of Law.

Upon the foregoing findings the court decides that the claimant is entitled to recover the sum of six hundred and seventy-eight dollars and ten cents (\$678.10) on items No. 1, 2, 3, 6, 16, 29, and 30. All other items disallowed. The disallowances are made on the authority of the cases of McDermott, 140 U. S., 151, and Sherman vs. United States, decided January 14, 1895, by the Supreme Court of the United States.

BY THE COURT.

(No opinion was filed in this case.)

30

IV.—*Judgment of the Court.*

At a Court of Claims held in the city of Washington on the 27th day of May, A. D. 1895, judgment was ordered to — entered as follows:

The court, on due consideration of the premises, find for the claimant and do order, adjudge, and decree that said claimant, Charles M. Dennison, do have and recover of and from the United States the sum of six hundred and seventy-eight dollars and ten cents (\$678.10).

BY THE COURT.

31 V.—*Application of Claimant for and Allowance of Appeal.*

CHARLES M. DENNISON	} No. 17936.
v.	
UNITED STATES.	

From the judgment rendered in the above-entitled cause on the 27th day of May, 1895, in favor of the claimant, the claimant, by his attorney, on this 9th day of August, 1895, makes application for and gives notice of an appeal to the Supreme Court of the United States.

R. R. McMAHON,
Att'y for Claimant.

Filed August 9, 1895.

Allowed in open court November 4, 1895.

WILLIAM A. RICHARDSON,
Chief Justice.

32

In the Court of Claims.

CHARLES M. DENNISON	} No. 17936.
vs.	
THE UNITED STATES.	

I, John Randolph, assistant clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, of the findings of fact by the court and the conclusion of law thereon, of the judgment of the court, of the application of the claimant for and the allowance of appeal to the Supreme Court of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this 11th day of November, 1895.

JOHN RANDOLPH,
Ass't Clerk Court of Claims.

Endorsed on cover: Case No. 16,097. Court of Claims. Term No., 807. Charles M. Dennison, appellant, vs. The United States. Filed Dec. 4, 1895.